

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

Case Number: 20-mc-91428

**ROTCHIL SEME,
Defendant.**

**ASSENTED TO MOTION FOR ENDS-OF-JUSTICE CONTINUANCE OF TIME FOR
FILING AN INDICTMENT OR INFORMATION, AND EXCLUSION OF TIME,
UNDER THE SPEEDY TRIAL ACT**

The United States of America, by and through Assistant United States Attorney David G. Tobin, respectfully moves this Court to grant a continuance of the time within which an Indictment or Information must be filed as to said defendant to October 2, 2020, and exclude the time period from September 1, 2020, through October 2, 2020, from the speedy trial clock, pursuant to the Speedy Trial Act ("STA"), 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), on the grounds that the ends of justice served by granting the requested continuance and excluding this period outweigh the best interests of the public and the defendant in a speedy trial. The United States further asks this Court to issue the attached proposed *Order of Continuance and Excludable Delay*. In support of this request, the government states as follows:

1. On June 4, 2020, Rotchill Seme ("Defendant") was charged by criminal complaint with Felon in Possession of Firearms, in violation of 18 U.S.C. § 922(g)(1). (Case No. 20-07131-JCB). On June 4, 2020, Defendant made his initial appearance before Magistrate Judge Jennifer

C. Boal, at which the United States moved to detain the defendant. On June 10, 2020, the defendant waived his right to a probable cause hearing and contested detention. After a hearing on that date, Magistrate Judge Boal took the matter under advisement. On June 11, 2020, Magistrate Judge Boal issued an Order detaining Defendant. The 70-day Speedy Trial clock began to run the following day on June 12, 2020. On June 20, 2020, Chief Judge Saylor issued Fourth Order of Continuance and Delay (ECF No. 8) excluding from the calculations of the Speedy Trial Act the period from June 22, 2020 to August 14, 2020.

2. The requested exclusion of time will afford the parties sufficient time to explore the possibility of resolving the case without an Indictment or trial.

3. The defense assents to this motion.

4. A proposed order is attached.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: /s/ David G. Tobin
DAVID G. TOBIN
Assistant U.S. Attorney

Dated: September 1, 2020

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document will be provided to Attorney Jeffrey K. Clifford, counsel for Defendant.

By: /s/ David G. Tobin
DAVID G. TOBIN
Assistant U.S. Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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ORDER OF CONTINUANCE AND EXCLUDABLE DELAY

Upon consideration of the assented to motion of the government seeking an order of continuance and excludable delay, the Court finds as follows:

1. Said parties have been engaged in preliminary discussions, and intend to engage in discussions, regarding the possible resolution of this matter (which was initiated by a criminal complaint in *United States v. Rotchill Seme* (20-mj-07131-JCB). The requested continuance of the time in which an Indictment or Information must be filed will permit defense counsel to adequately confer with Defendant, and allow the parties to address the matter fully, before the government is required to seek an Indictment or Information. Such a resolution would help to conserve the scarce resources of the Court and the parties as well as provide the parties and the public with certainty as to the outcome of the proceeding.

2. Accordingly, the ends of justice served by granting the requested continuance, and excluding the time period from September 1, 2020, through and including October 2, 2020, from the speedy trial clock, outweigh the best interests of the public and Defendant in a speedy

trial pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008).

Accordingly, the Court hereby grants the motion and **ORDERS** that, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases*, the period from September 1, 2020, through and including October 2, 2020, is excluded from the speedy trial clock and from the time within which an Indictment or Information as to Defendant must be filed.

UNITED STATES DISTRICT JUDGE

Date: